

U.S. Patent App. No. 10'646,402, filed August 22, 2003
Docket No. 1140668-0015CON
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REMARKS/ARGUMENTS

I. STATUS OF THE PENDING CLAIMS

Upon entry of this amendment, claims 1-25 are pending in the application, all rejected. Claims 1, 17 and 25 are amended to more particularly point out the claimed subject matter.

Claims 1-13, 15-22 and 24-25 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 5,602,757 to Haseley et al. ("Haseley"). Claims 14 and 23 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Haseley in view of U.S. Patent No. 6,330,525 to Hays et al. ("Hays").

II. REJECTIONS UNDER 35 U.S.C. § 102(b)

Claims 1-13, 15-22 and 24-25 stand rejected under 35 USC §102(b) as allegedly anticipated by Haseley. Applicants respectfully submit that these rejections are traversed on the basis of the following arguments.

A rejection of claims as anticipated under 35 U.S.C. § 102(b) requires a showing that each and every claim limitation be identically disclosed in the applied reference. If even one claim limitation is not disclosed in the reference, the claim is patentable over the reference.

The rejection has apparently misunderstood the automation component of the present application to be shown by the microcontroller of Haseley. At most, however, the microcontroller of Haseley merely compares live vibration data to saved vibration signatures. The automation component, as amended, on the other hand, does not merely measure a single type of parameter (e.g., vibration data) to generate an electronic fingerprint, but rather determines which plurality of movements, when measured, will reveal the electronic fingerprint that is representative of a condition of a machine, as claimed in amended claim 1, or determines a set of parameters for measurement that will uniquely identify a condition of the machine, as claimed in amended claims 17 and 25.

As claimed, the automation component, according to the present invention, identifies which plurality of movements, when measured, will reveal unique characteristics or conditions (electronic fingerprint) of any given machine. The

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microcontroller of Haseley simply does not have this ability to select, for measurement, a particular set of appropriate movements and parameters from a variety of different types of movements and parameters. While the microcontroller of Haseley may, allegedly, collect data, nothing in Haseley suggests that this microcontroller *determines* the particular data it will collect based on the particular machine from which it will collect the data.

Many of the arguments for rejecting the dependent claims are also submitted to fall short of carrying the Examiner's heavy burden under 35 U.S.C. § 102(b). For example, the Examiner contends that Haseley discloses the limitation of claim 2 wherein the automation component comprises either a numeric control, a motion controller, a programmable logic controller, or an intelligent drive. Nothing in Haseley mentions any such specific examples of automation components. The Examiner's citation to a "vibration monitoring system" does little besides reiterate the purported general subject matter of Haseley.

Likewise, Haseley fails to describe an engineering system corresponding to the automation component as claimed in claims 3 and 4, the actions listed in claim 5 for the start of capturing fingerprints, and any of the specific machine types listed in claim 6. The sections of Haseley relied on by the Examiner to reject these claims simply fail to mention any of the specific claim limitations listed above.

Therefore, Applicants respectfully submit that the rejections of claims 1-13, 15-22 and 24-25 be withdrawn.

III. REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 14 and 23 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Haseley in view of Hays.

A rejection under 35 U.S.C. § 103(a) requires the establishment of a *prima facie* case that the claimed subject matter, including all claim elements, would have been obvious to a person having ordinary skill in the art on the basis of either a single prior art reference or more than one reference properly combined. As no such *prima facie* case has been established for these claims, Applicants respectfully traverse these rejections, as set forth more fully below.